THE HON'BLE SRI JUSTICE L. NARASIMHA REDDY

WRIT PETITION No. 19423 OF 2005

DATED: 02.09.2005

Between:

P.N. Reddy

... PETITIONER

AND

The Managing Director, Rail India Technical

Economic services Ltd., Haryana & another.

... RESPONDENTS

ORAL ORDER:

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The petitioner was employed with the 2nd respondent. He retired from service on 30.11.2004. His retirement benefits to the tune of Rs.10,79,294/- were released. However, the amount payable towards leave encashment and gratuity were not paid to him. Thereupon, he filed WP.No.24409 of 2004 and the same was disposed of on 25.02.2005, with a direction to the respondents, to pass appropriate orders as regards payment of gratuity and leave encashment, within a period of eight weeks.

In compliance with the same, the 2nd respondent passed an order, dated 08.07.2005, releasing an amount of Rs.2,41,243/- towards leave encashment. So far as the gratuity is concerned, it was observed that it would be released as soon as the investigation into certain cases is concluded. The petitioner feels aggrieved by non-releasing of gratuity.

Heard the learned counsel for the petitioner.

The limited grievance of the petitioner is about the non-payment of gratuity. Once the pensionary benefits as well as leave encashment were released in favour of the petitioner, there hardly exists any scope for withholding the gratuity.

A reading of the letter, dated 08.07.2005, discloses that the 2nd respondent proposed to undertake some investigation in relation to other cases. As of now, it is not evident as to whether the investigation is against the petitioner himself or in relation to certain other persons.

Be that as it may, payment of gratuity, being a statutory obligation of the employer, cannot be delayed for an unduly long time, particularly, when other pensionary benefits were released.

For the foregoing reasons, the writ petition is disposed of at the admission stage, directing the 2nd respondent to take necessary steps in the matter of payment of gratuity and conclude the same, within a period of two months from the date of receipt of a copy of this order. There shall be no order as to costs.

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02.09.2005

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Note:- Issue CC in three days.

B/o.

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